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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,445	06/29/2001	Raj Prakash	SP-6052 US	9011
22120	7590	12/23/2004	EXAMINER	
ZAGORIN O'BRIEN & GRAHAM, L.L.P. 7600B N. CAPITAL OF TEXAS HWY. SUITE 350 AUSTIN, TX 78731			ROCHE, TRENTON J	
			ART UNIT	PAPER NUMBER
			2124	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/895,445	Applicant(s) PRAKASH ET AL.	
	Examiner Trent J Roche	Art Unit 2124	

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responsive to communications filed 19 October 2004.
2. Per applicant's request, amended claims 7, 20, 22, 23 and 25 have been entered. Claims 1-25 are pending.
3. Claims 1-25 have been examined.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,778,212 to Dehnert et al, hereafter referred to as Dehnert.

Per claim 1:

Dehnert discloses:

- a method for compiling program files (“a conventional compilation system...” in col. 6 line 38)
- optimizing the program files into object files, wherein the object files are comprised of information indicating optimization (“The intermediate ‘.o’ files...are written in an extended object file format and contain...the summary information within a program unit that might later be used...” in col. 8 lines 33-37)

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- maintaining cross modular functional relationship between object files (“performs cross-program unit analysis and optimization” in col. 9 lines 21-22)
- extracting the information indicating optimization (“the IPA/IPO phase inputs and analyzes the intermediate ‘.o’ files...uses the summary information contained in the intermediate ‘.o’ files...” in col. 9 lines 18-21)
- linking the object files to create an executable object file (“The linkage editor...inputs the object ‘.o’ files...resulting from the compilation and generates an executable program...” in col. 10 lines 9-11)

substantially as claimed.

Per claim 2:

The rejection of claim 1 is incorporated, and further, Dehnert discloses creating intermediate representation files prior to optimizing the program files as claimed (Note Figure 4 and the corresponding sections of the disclosure.)

Per claim 3:

The rejection of claim 2 is incorporated, and further, Dehnert discloses extracting information regarding the intermediate representation files as claimed (“the IPA/IPO phase inputs and analyzes the intermediate ‘.o’ files...uses the summary information contained in the intermediate ‘.o’ files...” in col. 9 lines 18-21)

Per claim 4:

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The rejection of claim 1 is incorporated, and further, Dehnert discloses information related to code generators as claimed (“the IPA/IPO phase has access to the compilation options in each intermediate ‘.o’ file...” in col. 8 lines 42-43)

Per claim 5:

The rejection of claim 1 is incorporated, and further, Dehnert discloses extracting the information related to code generators as claimed (“the IPA/IPO phase has access to the compilation options in each intermediate ‘.o’ file...” in col. 8 lines 42-43)

Per claim 6:

Dehnert discloses:

- a framework for compiling program files (“a conventional compilation system...” in col. 6 line 38)
- an optimizer for optimizing program files into object files, wherein the object files are comprised of information indicating optimization (“The intermediate ‘.o’ files...are written in an extended object file format and contain...the summary information within a program unit that might later be used...” in col. 8 lines 33-37)
- wherein the optimizer further extracts the information indicating optimization (“the IPA/IPO phase inputs and analyzes the intermediate ‘.o’ files...uses the summary information contained in the intermediate ‘.o’ files...” in col. 9 lines 18-21)
- a linker linking the object files to create an executable output file (“The linkage editor...inputs the object ‘.o’ files...resulting from the compilation and generates an executable program...” in col. 10 lines 9-11)

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substantially as claimed.

Per claim 7:

The rejection of claim 6 is incorporated, and further, note the rejection regarding claim 2.

Per claim 8:

The rejection of claim 7 is incorporated, and further, note the rejection regarding claim 3.

Per claim 9:

The rejection of claim 6 is incorporated, and further, note the rejection regarding claim 4.

Per claim 10:

The rejection of claim 9 is incorporated, and further, note the rejection regarding claim 5.

Per claims 11-25:

Claims 11-15, 16-20 and 21-25 are directed to a computer system, an apparatus and a computer program product, respectively, for performing the methods of claims 1-5, respectively, and are rejected for the reasons set forth in connection with claims 1-5, respectively.

Response to Arguments

6. Applicant's arguments filed 19 October 2004 have been fully considered but they are not persuasive.

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Per claims 1, 6, 11, 16 and 21:

The applicant states that Dehnert does not disclose or suggest optimizing the program files into object files, wherein the object files are comprised of information indicating optimization, and that the cited “.o” files in Dehnert are intermediate files, and are not object files, the object files comprising information indicating optimization. In response, it is noted that in the applicant’s reproduction of the cited portion of Dehnert, specifically “[t]he intermediate ‘.o’ files...are *written in an extended object file format* (emphasis added) and contain...the summary information within a program unit that might later be used.”, the Examiner contends that, contrary to the applicant’s arguments, this citation shows that the intermediate files are indeed a type of object file. Further, the files contain optimization information, as the intermediate files are utilized for optimization purposes, as seen in col. 8 lines 41-43. For these reasons, the rejections of claims 1, 6, 11, 16 and 21 are proper and maintained.

Per claims 2-5, 7-10, 12-15, 17-20 and 22-25:

The applicant states that claims 2-5, 7-10, 12-15, 17-20 and 22-25 are allowable as being dependent on an allowable base claim. As was shown above, the rejections concerning claims 1, 6, 11, 16 and 21 are proper, and as such, the argument that claims 2-5, 7-10, 12-15, 17-20 and 22-25 are allowable as being dependent on an allowable base claim is considered moot. The rejections of claims 2-5, 7-10, 12-15, 17-20 and 22-25 are proper and maintained.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (571)272-3733. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trent J Roche
Examiner
Art Unit 2124

TJR



TODD INGBERG
PRIMARY EXAMINER